

REMARKS/ARGUMENTS

In response to the Office Action dated May 27, 2005, claims 1, 8 and 21 are amended, and claim 22 is canceled. Withdrawn claims 16-20 are cancelled also. Claims 1-3, 6-15, 21, 23 and 24 are now active in this application. No new matter has been added.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 112, FIRST PARAGRAPH

Claims 1-3, 6-15 and 21-24 are rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Examiner maintains that “the entire area displayed in the display section is comprehensively measured by the measuring section during scanning” recited in claims 1 and 8 is not described in the original specification.

To expedite prosecution, the recitations are deleted from claims 1 and 8. Consequently, withdrawal of the rejections of claims 1-3, 6-15, 21, 23 and 24 under 35 U.S.C. §112, first paragraph, is respectfully solicited.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 103

Claims 1-3, 6, 8, 9, 11-15 and 21-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dimsdale et al. (US 2003/0001835 A1) in view of Corby, Jr. et al. (USPN 5,805,289).

Claims 1, 8, 10 and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ritter et al. (USPN 6,363,169) in view of Corby, Jr. et al.

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Dimsdale et al. in view of Corby, Jr. et al., as applied to claim 6, and further in view of Akins et al. (USPN 5,309,555).

The Examiner suggests that if the limitation of claim 22, amended to recite:

the display section displays all the measuring points prior to the scanning by superimposing visual indicators of the points on the two-dimensional image, and displays a progress status of the scanning along with the progress of the scanning by changing the display state of the measuring points that were displayed in advance.

were added to independent claims 1 and 8, the claims would be allowable (see page 15, item #11).

By this response, the Examiner's suggestion is accepted and claims 1 and 8 are amended to add the appropriate limitations and claim 22 is cancelled. Consequently, claims 1-3, 6-21, 23 and 24, as amended, are believed to be allowable.

CONCLUSION

Accordingly, it is urged that the application, as now amended, is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

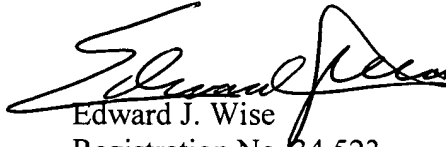
To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to

Application No.: 09/748,138

such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Edward J. Wise
Registration No. 34,523

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 EJW:cac
Facsimile: 202.756.8087
Date: August 29, 2005

**Please recognize our Customer No. 20277
as our correspondence address.**